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Ivor R. Eliot
Mintz, Levin, Cohn,
One Financial Center
Boston, MA 02111

In re Application of
Edinger, et al.
Application No. 10/087,684
Filed: March 1, 2002
Atty. Dkt. No.: 21402-214 CIP
(Cura-514
Title: PROTEINS AND NUCLEIC
ACIDS ENCODING SAME

This decision is in response to the renewed petition
CFR 1.47(a), filed August 25, 2003.

The petition is DISMISSED.

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DECISION REFUSING
STATUS UNDER 37 CFR
1.47(a) Data Entry

CFR	Done By
<input type="checkbox"/> Data Entry <input checked="" type="checkbox"/> Docket Entry <input type="checkbox"/> Docket Cross Off <input type="checkbox"/> Previously Entered <input type="checkbox"/> No Docketing Req. under 37 <input type="checkbox"/> ELITE <input type="checkbox"/> Annuities	<u>11/51</u> <u>4/51</u>

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed March 1, 2002 without a fully executed oath or declaration. Accordingly, on August 9, 2002, a Notice to File Missing Parts of Nonprovisional Application was filed requiring, *inter alia*, an executed oath or declaration and surcharge. A petition under 37 CFR 1.47(a) was filed March 10, 2003 and dismissed June 23, 2003.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (4) set forth above. Petitioner has provided what appears to be a business address as the last known address of the non-signing inventor. Ordinarily, the last known address will be the last known residence of the non-signing inventor. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, inventor's most recent **home** address must be given to enable the Office to communicate directly with the inventor as necessary. See, MPEP 605.02.

Any renewed petition must indicate the proper last known

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Application No. 10/087,684

address of the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

By delivery service:
(FedEx, UPS, DHL, etc.) U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petition**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.


Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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